

# PERKINS COIE LLP

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February 9, 2001

Lois G. Lerner, Esq.  
Acting General Counsel  
Federal Election Commission  
Sixth Floor  
999 E Street, N.W.  
Washington, DC 20463

**Re: MURs 4935 and 5057**

Dear Ms. Lerner:

This letter is the response of Dear for Congress and Abraham Roth, as Treasurer, (collectively, the "Committee") to the Commission's finding of reason to believe that the Committee violated the Federal Election Campaign Act of 1971, as amended (the "Act").

Supplementing its July 25, 2000 finding of reason to believe, the Commission now contends in a new Factual and Legal Analysis that the Committee violated the Act by receiving a contribution from Serge Muller. According to the analysis, Mr. Muller "may be" a foreign national, a possibility which the Commission apparently discovered by running a Dun & Bradstreet report on a company associated with Mr. Muller.

Of course, the Act does not require political committees to run Dun & Bradstreet reports on their prospective contributors. Rather, it holds treasurers responsible only for "examining all contributions received for evidence of illegality." 11 C.F.R. § 103.3(b). Only when a contribution presents "genuine questions" as to whether it was made by a foreign national is a treasurer required to take any subsequent action. Id. § 103.3(b)(1). If the treasurer later learns that he or she received a foreign national contribution, then he or she must refund the contribution within 30 days of having discovered that information. Id. § 103.3(b)(2).

The Committee contends that it had no knowledge of Mr. Muller's alleged foreign national status until it received the Commission's letter dated January 18, 2001. It notes further that thirty days has not yet lapsed from its receipt of that letter.

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The Committee will take any necessary further action with respect to Mr. Muller's contributions in a timely manner, in full compliance with Commission regulations. In the meantime, however, there is no basis for Commission enforcement action with respect to the allegation that Mr. Muller is a foreign national.

The Committee has previously stated its willingness to engage in pre-probable cause conciliation with the Commission regarding the totality of matters now before it. We again restate this position and respectfully request that this issue be resolved in tandem with the other issues the Commission has chosen to raise.

If you have any further questions, please do not hesitate to contact either of us.

Very truly yours,



Marc E. Elias  
Brian G. Svoboda  
Counsel to the Committee